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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 7, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Rules Implementing Must-Carry and
Retransmission Consent Provisions of the
1992 Cable Act
MM Docket No. 92-259

Dear Ms. Searcy:

Submitted herewith is an original and four (4) copies of an Opposition to Petition for Reconsideration in the above-captioned matter. Due to time constraints, the signatures on the document submitted herewith are facsimiles of the originals. Original signature pages will be submitted with the FCC on June 8, 1992.

Should any questions arise in connection with this matter, please communicate with the undersigned.

Respectfully Submitted



Timothy L. Crosby
Vice President, General Manager
KTFH-TV Conroe, Texas

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Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 27 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Rules Implementing Must-Carry
and Retransmission Consent
Provisions of 1992 Cable Act

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MM Docket No. MM 92-259

TO: The Commission

OPPOSITION TO PETITION FOR RECONSIDERATION
of San Jacinto Television Corporation
licensee of KTFH-TV to the Petition For
Reconsideration as filed by Colorado
Christian University

San Jacinto Television Corporation is the licensee of KTFH-TV, a commercial television station licensed to Conroe, Texas. KTFH-TV broadcasts over eighteen hours per day, seven days per week of Spanish language programming from Mexico serving Houston's large Hispanic community who make up 23% (1990 census) of the total population. The station signed on the air June 16, 1989 and broadcasts movies, novelas, sports, thirty hours per week of news, as well as five hours per week of locally produced Hispanic programming.

KTFH-TV disagrees with the assertion made by Colorado Christian University that Congress had specifically intended to include must-carry protection for educational stations under Sec. 614 "Carriage of Local Commercial Television Stations" of the Cable Television Consumer Protection and Competition Act ("The Act") of 1992.

Congress clearly intended on treating educational and commercial stations differently under The Act when it created

separate "must-carry" sections, i.e., Sec. 614 and Sec. 615 for each.

While the definition of a local commercial television station under Sec. 614(h)(1)(A) may be a little ambiguous and could be interpreted to include unqualified noncommercial educational television stations it does not specifically state that such stations are to be included under this definition.

Indeed, Sec. 615 contains certain criterion that educational television stations must meet in order to qualify for must-carry rights. Because of these criterion Congress intended on restricting must-carry rights only to those educational television stations who meet the specific requirements of Sec. 615(1)(1).

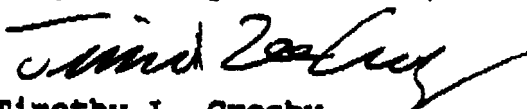
KTFH-TV argues that to include unqualified educational television stations under Sec. 614 would be to supplant the original intent of Congress to exclude such stations from carriage under Sec. 615. We therefore believe the wording adopted by the Commission in its definition of a local commercial television station in the Report and Order of March 11, 1993 accurately reflects the intent of Congress not to include educational television stations under Sec. 614(H)(1)(A).

This issue is of particular importance to KTFH-TV and other commercial television stations like it who are located in the larger television markets where a greater number of commercial television channels have been allocated by the Commission. KTFH-TV is located in the Houston ADI where there are 11

operating commercial television stations as well as three outstanding commercial television station construction permits for a total of 14 commercial television stations who may qualify for must-carry. This number already exceeds the one third set aside allotment for commercial television station must-carry channels under Sec. 614(b)(B). Since the vast majority of operating cable systems in the Houston ADI have a channel capacity of 36 channels one third (1/3) or only 12 channels are available for qualifying commercial television stations. To include unqualified educational television stations in that number would be to displace otherwise qualified commercial television stations from carriage under Sec. 614.

Thus, KTFH-TV asks the Commission to retain the wording of its definition of a local commercial television station as adopted in its Report and Order of March 11, 1993 and to deny Petitioners request for Reconsideration. In the event the Commission does reconsider its wording of its definition of a local commercial television station, KTFH-TV strongly urges the Commission to adopt language that would prevent unqualified educational television stations under Sec. 615 from displacing otherwise qualified commercial television stations from cable carriage under Sec. 614.

Respectfully Submitted,


Timothy L. Crosby
Vice President, General Manager

CERTIFICATE OF SERVICE

I, TIMOTHY LEE CROSBY, hereby certify that on this 7th day of June, 1993, I have caused to be served by first-class mail, postage prepaid, a copy of the foregoing "Opposition to Petitions for Reconsideration," addressed to the individuals listed below:

Michael K. Brinks
Station Manager
Colorado Christian University
16075 West Belleview
Norrison, Colorado 80465


Timothy L. Crosby